

## 2.0.0 CITIZENS & ALIENS

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### 2.1.0 U.S. Citizens

All U.S. citizens are entitled to apply for Medicaid (MA) and, if they meet all of the eligibility requirements, to receive full MA benefits.

A U.S. citizen is anyone who:

1. Was born in the U.S. The U.S. includes Puerto Rico, Virgin Islands, Northern Mariana Islands, and Guam.
2. Was born to a U.S. citizen while s/he was abroad.
3. Is a naturalized U.S. citizen.
4. Is a child born outside the U.S. and has met **all** of the following criteria at any time after February 26, 2001:
  - At least one parent of the child is a citizen of the U.S., whether by birth or naturalization.
  - The child is under the age of 18.
  - The child is residing in the U.S. in the legal and physical custody of the parent.

Adopted children automatically become U.S. citizens if they meet the all of the above criteria and if they were:

- **Adopted under the age of 16.**  
If the child has been in the legal custody of and has resided with the adopting parent or parents for at least two years.
- **Adopted while under the age of 18.**  
If the child has been in the legal custody of and has resided with the adopting parent or parents for at least two years and is a sibling of another adopted child who is under 16.
- **Orphans adopted while under the age of 16 and have had their adoption and immigration status approved by the INS (Form I-171, "Notice of Approval of Relative Immigrant Visa Petition").**  
These children need not have lived with the adoptive parents for two years.

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### 2.1.0 U.S. Citizens (cont.)

- **Orphans adopted under the age of 18, who have had their adoption and immigration status approved by the INS, and are siblings of another adopted child who is under the age of 16.**

These children need not have lived with the adoptive parents for two years.

### 2.2.0 Aliens

Aliens are persons who reside in the U.S., but are not U.S. citizens. The following aliens are entitled to apply for MA and, if they meet all of the eligibility requirements, to receive full MA benefits.

1. A refugee admitted under Immigration & Nationality Act (INA) Section 207.

A refugee is a person who flees his/her country due to persecution or a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group.

An alien admitted under this status may be eligible for MA even if his/her alien status later changes.

2. An asylee admitted under INA Section 208.

Similar to a refugee, this is a person who seeks asylum and is already present in the U.S. when s/he requests permission to stay.

An alien admitted under this status may be eligible for MA even if his/her alien status later changes.

3. An alien whose deportation is withheld under INA Section 243(h) and such status was granted prior to April 1, 1997, or an alien whose removal is withheld under INA Section 241(b)(3) on or after April 1, 1997.

An alien admitted under this status may be eligible for MA even if his/her alien status later changes.

4. A Cuban/Haitian entrant.

An alien admitted under this status may be eligible for MA even if his/her alien status later changes.

5. An American Indian born in Canada who is at least 50% American Indian by blood, or an American Indian born

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### 2.2.0 Aliens (cont.)

outside of the U.S. who is a member of a Federally recognized Indian tribe.

6. \*\*Lawfully admitted for permanent residence under the INA.
7. \*\*Paroled into the U.S. under INA Section 212(d)(5).
8. \*\*Granted conditional entry under immigration law in effect before April 1, 1980 [INA Section 203(a)(7)].
9. \*\*An alien who has been battered or subjected to extreme cruelty in the U.S. and meets certain other requirements.
10. \*\*An alien whose child has been battered or subjected to extreme cruelty in the U.S. and meets certain other requirements.
11. \*\*An alien child who resides with a parent who has been battered or subjected to extreme cruelty in the U.S. and meets certain other requirements.

\*\* If these aliens lawfully entered the U.S. **on or after August 22, 1996**, they must also be one of the following:

- a. Is an alien lawfully residing in Wisconsin who is an honorably discharged veteran of the U.S. Armed Forces.
- b. Is an alien lawfully residing in Wisconsin who is on active duty (other than active duty for training) in the U.S. Armed Forces.
- c. Is an alien lawfully residing in Wisconsin who is the spouse, unmarried dependent child, or surviving spouse of a person described in "a" or "b".
- d. Is an Amerasian.
- e. Has resided in the U.S. for at least five years since his/her date of entry.

Alien status is an individual eligibility requirement. It does not affect the eligibility of the MA Group. The eligible citizen spouse or child of an ineligible alien may still be eligible even though the ineligible alien is not.

Verify alien status using the procedures in the IMM, Ch. 1, Part D, 4.0.0.

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### 2.2.1 Public Charge

The receipt of MA or BadgerCare by the individual or by the children or spouse for whom the individual is legally responsible does not establish the person as a public charge.

### 2.2.2 INS Reporting

Do not refer an alien client to Immigration and Naturalization Service (INS). The one exception is you may refer the alien if you need information for administering the MA program. For example, if MA needs to determine client's location for repayment or fraud prosecution, or to determine his/her alien status.

### 2.3.0 Emergency Services

An alien found ineligible under regular MA due to citizenship status can be eligible for emergency MA if they meet all other eligibility requirements. (Aliens are not required to have a SSN for emergency services.) If they would be eligible for any MA category including Healthy Start, they qualify. However, they are ineligible if the only category of MA they would be eligible for is BadgerCare.

An emergency means a medical condition that shows acute symptoms of sufficient severity (including severe pain) such that the lack of immediate MA could result in one or more of the following:

1. Serious jeopardy to the patient's health.
2. Serious impairment to bodily functions.
3. Serious dysfunction of a bodily organ or part.

The medical provider will submit a claim to EDS and EDS will determine if the situation was an emergency that is covered by MA.

If a non-qualifying alien provides you with a "Provider Certification of Emergency Form" at the time of application, determine his/her eligibility for emergency services. You do not have to determine if an emergency exists. Your responsibility is to see if the non-qualifying alien meets all other eligibility requirements and to certify if s/he is eligible.

Complete and return a 3070. The 3070 may be returned by:

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### 2.3.0 Emergency Services (cont.)

- Mail: EDS  
P.O. Box 7636  
Madison, WI 53707
- E-mail: [eds\\_3070@dhfs.state.wi.us](mailto:eds_3070@dhfs.state.wi.us)
- Fax: (608) 221-8815

Use the AE medical status code. Emergency coverage lasts from the time of the first treatment for the emergency until the condition is no longer an emergency. The person will not receive a MA card because MA ends when the emergency ends.

EDS needs a beginning and end date to process eligibility. In setting the end date, use the last day of the emergency. If that is not known, use the last day of the month in which the emergency is expected to end.

#### 2.3.1 MA Deductible

Aliens who apply for emergency services may become eligible by way of the MA deductible. If, on the date they apply, they are eligible in all respects except income, apply the same deductible policies (20.0.0) to them as to any other client.

#### 2.3.2 Pregnancy

All labor and delivery services are emergency services and are covered under emergency MA for eligible non-qualifying aliens. An alien who gives birth and is eligible for emergency MA is eligible for a 60-day pregnancy extension. The extension covers emergency MA only. The emergency does not have to be related to the pregnancy.

A pregnant non-qualifying alien may apply for emergency services up to one calendar month before her due date. Certify an eligible pregnant non-qualifying alien from the date of application, if it is no more than one calendar month prior to her due date, through the end of the month in which the 60<sup>th</sup> day occurs following her due date. Adjust the certification period based on the actual pregnancy end date, once it is known.

<p><b>Example.</b> Sara is a pregnant non-qualifying alien applying for emergency services. Sara has two weeks until her due date, which is March 3<sup>rd</sup>. Certify Sara for emergency services from the date of application through the end of May.</p>
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### 2.3.2 Pregnancy (cont.)

**Example.** Erica applied for emergency services because she was a pregnant non-qualifying alien on March 13<sup>th</sup>. Her expected due date is April 5<sup>th</sup>. Erica is certified for emergency services from March 13<sup>th</sup> through the end of June. Erica delivers her son on March 15<sup>th</sup>. Her certification period should be adjusted from March 13<sup>th</sup> through the end of May.

If a pregnant non-qualifying alien applies prior to the calendar month before her due date and she has not received a service, deny her emergency services eligibility because she has not received a service.

If a woman applies for emergency services after her pregnancy has ended, certify her from the pregnancy end date through the end of the month in which the 60<sup>th</sup> day occurs.

**Example.** Vienne miscarries on April 5<sup>th</sup>, which is more than one month from her due date of July 15<sup>th</sup>. Vienne applies on April 6<sup>th</sup> for emergency services. Certify Vienne for emergency services from April 5<sup>th</sup> through the end of June.

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## 2.3.3 Alien Status Chart

CARES TCTZ Code	Alien Status	Arrived Before 8-22-96	Veteran*/ Amerasian Arrived before 8-22-96	Arrived on or after 8-22-96	Veteran*/ Amerasian Arrived on or after 8-22-96
01	Lawfully admitted for permanent residence	Eligible	Eligible	Ineligible for 5 years	Eligible
02	Permanent resident under color of law (PRUCOL)	Ineligible	Ineligible	Ineligible	Ineligible
03	Lawfully present under Section 203(a)(7)	Eligible	Eligible	Ineligible for 5 years	Eligible
04	Lawfully present under Section 207(c)	Eligible	Eligible	Eligible	Eligible
05	Lawfully present under Section 208	Eligible	Eligible	Eligible	Eligible
06	Lawfully present under Section 212(d)(5)	Eligible	Eligible	Ineligible for 5 years	Eligible
07	IRCA (No longer valid)	NA	NA	NA	NA
08	Lawfully admitted - temporary	Ineligible	Ineligible	Ineligible	Ineligible
09	Undocumented Alien	Ineligible	Ineligible	Ineligible	Ineligible
10	Illegal Alien	Ineligible	Ineligible	Ineligible	Ineligible
11	Cuban/Haitian Entrant	Eligible	Eligible	Eligible	Eligible
12	Permanent Resident	Ineligible	Ineligible	Ineligible	Ineligible
13	Special agricultural worker under Section 210(A)	Ineligible	Ineligible	Ineligible	Ineligible
14	Additional special agricultural worker under Section 210(A)	Ineligible	Ineligible	Ineligible	Ineligible
15	Withheld deportation - Section 243(h)	Eligible	Eligible	Eligible	Eligible
16	Battered Alien	Eligible	Eligible	Ineligible for 5 years	Eligible
None	Foreign-born American Indian	Eligible	Eligible	Eligible	Eligible

"Veteran" includes certain veterans and active duty servicemen and women, their spouses, dependent children, or certain surviving spouse.